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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 09/896,066 | Applicant(s) JAFF ET AL. | |
| | Examiner Joseph G. Ustaris | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,10,12-16,18,28,30,34,37 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-55 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,10,12-16,18,28,30,34,37 and 43-51 is/are rejected.
- 7) ☒ Claim(s) 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. This action is in response to the RCE dated 07 August 2006 in application 09/896,066. Claims 1, 3-7, 9, 10, 12-16, 18, 28, 30, 34, 37, and 43-55 are pending. Claims 1, 9, 10, 12-16, 18, 28, 30, 34, 37, 43, and 50 are amended.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 August 2006 has been entered.

Claim Objections

2. Claim 12 is objected to because of the following informalities: Claim 12 depends on claim 11, which has been canceled. The examiner will assume that Claim 12 depends on claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, 28, 30, 34, 37, 44-47, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al. (US 20030095791A1) in view of Ellis et al. (US 20050028208A1).

Regarding claim 1, Barton et al. (Barton) discloses a system that is comprised of an access device (See Fig. 2, PDA), a programmable client system (See Fig. 2, DVR 110) and a provider (See Fig. 2, Personal TV Service Center 130), all of which are logically interconnectable through a network such as the Internet (See paragraph 0025), wherein the client system stores program guide data that is used by a user to schedule events (See Fig. 2, local program guide 260; paragraph 0010), a method for remotely scheduling events at the client system with an access device, comprising the steps for:

using an access device that is remotely located from the programmable client system to access and log on an access device service (See Fig. 2, web server 200; paragraph 0037);

in response to logging on the access device service, authenticating a user of the remotely located access device (See paragraphs 0044-0047) with an authentication service (See Fig. 2, PRNG; paragraph 0038) which is associated with the access device service (e.g. the web site request the keys from the user);

subsequent to authenticating the user with the authentication service, accessing the client system through the network with the remotely located access device, wherein the client system has a bi-directional connection with the network (See paragraphs 0030 and 0040);

automatically authenticating the user of the remotely located access device to the client system by providing authentication information (e.g. authentication keys) previously issued to the user from the authentication service (e.g. the PRNG) (See paragraph 0042), and in response to the user having been previously authenticated by the authentication service through the access device service (e.g. the website requesting the keys generated by the PRNG) (See paragraphs 0044-0047);

once the user of the remotely located access device is authenticated to the client system, retrieving current program guide data with the remotely located access device, wherein the current program guide data is displayed on the remotely located access device (See Fig. 4, 440; paragraph 0048);

selecting an event using the retrieved program guide data displayed at the remotely located access device; sending the selected event to the client system; and scheduling the selected event at the client system (See Fig. 4, 450; paragraphs 0040-0042 and 0048-0049).

However, Barton does not disclose explicitly disclose retrieving current program guide data from the client system.

Ellis et al. (Ellis) discloses an Interactive television program guide with remote access via remote access device (See Fig. 2). Ellis discloses that the remote access device retrieves current program guide data from the client system (See Fig. 2a; paragraph 0071). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Barton to retrieve current program guide data from the client system, as taught by Ellis, in order to

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provide the users with a more accurate guide data of what is available/programmed at the user's DVR box.

Regarding claim 3, the step for authenticating a user of the remotely located access device further comprises a step for authenticating the user at the client system (e.g. the DVR) with an authentication service (See Fig. 2, PRNG; paragraph 0042).

Regarding claim 5, further comprising a step for selecting one or more programs identified in the current program guide data to be associated with an event (e.g. the user selects a program to be recorded) (See paragraphs 0010 and 0048-0049).

Regarding claim 6, further comprising a step for unselecting one or more of the programs previously selected and associated with an event, wherein the associated event is removed from the selected programs (e.g. canceling programs) (See Ellis paragraph 0219).

Regarding claim 7, further comprises one or more of: a step for selecting a record event; a step for selecting a delete event (e.g. canceling events); and a step for selecting a lock or unlock event (e.g. parental controls) (See Ellis paragraphs 0014, 0015, 0219).

Regarding claim 9, the system (e.g. the web server) inherently formats the retrieved current program guide for the specified access device (e.g. the web browser on the PDA or computer) (See Barton Fig. 2).

Claim 10 contains the limitations of claim 1 (where inherently the method is executed by a computer program stored on a computer readable medium (e.g. hard

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disk or memory) of the PDA or DVR box (See Barton Figs. 1 and 2)) and is analyzed as previously discussed with respect to that claim.

Claim 12 contains the limitations of claims 3 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 5 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 6 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 7 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claims 9 and 10 and is analyzed as previously discussed with respect to those claims.

Regarding claim 28, Barton discloses connecting the set top box (DVR box) to the network with a connection that is always on line with the network (e.g. cable modem) (See Barton paragraph 0025).

Regarding claim 30, the access device is a computer, handheld computer, or Internet appliance (See Barton Fig. 2).

Claim 34 contains the limitations of claims 10 and 28 and is analyzed as previously discussed with respect to those claims.

Claim 37 contains the limitations of claims 9 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 44 contains the limitations of claims 1, 7, and 16 and is analyzed as previously discussed with respect to those claims.

Claim 45 contains the limitations of claims 1, 7, and 16 and is analyzed as previously discussed with respect to those claims.

Claim 46 contains the limitations of claims 1, 9, and 18 and is analyzed as previously discussed with respect to those claims.

Claim 47 contains the limitations of claims 1, 7, and 16 and is analyzed as previously discussed with respect to those claims. Furthermore, the programming content available to the set top box is from a satellite (See Ellis paragraph 0094).

Regarding claim 51, the set top box is associated with an IP address and through which the access device accesses the set-top box (e.g. the DVR box is inherently assigned a IP address from the DHCP server) (See Barton paragraph 0066).

Claims 4, 13, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al. (US 20030095791A1) in view of Ellis et al. (US 20050028208A1) as applied to claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, 28, 30, 34, 37, 44-47, and 51 above, and further in view of Herrington et al. (WO 00/78050).

Regarding claim 4, Barton in view of Ellis discloses displaying a schedule of programming content this is scheduled to be sent to the client system on the access device (See Barton Fig. 4, 440). However, Barton in view of Ellis does not explicitly disclose displaying previously scheduled events on the access device.

Herrington discloses a similar system in which the programming guide displays past events (Pg. 35, lines 15-33 thru Pg. 37, lines 1-27). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the systems of Barton, Ellis, and Herrington in order to provide a remote access system capable of displaying past events, thereby supplying the user with a more exhaustive program listing.

Claim 13 contains the limitations of claims 4 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 43 contains the limitations of claims 4, 10, and 47 and is analyzed as previously discussed with respect to those claims.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al. (US 20030095791A1) in view of Ellis et al. (US 20050028208A1) as applied to claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, 28, 30, 34, 37, 44-47, and 51 above, and further in view of Artigas et al. (US Pat Pub. No. 2001/0014206).

Regarding claim 48, Barton in view of Ellis does not disclose selecting an event further comprises an act of deleting previously recorded programming content.

However, within the same field of endeavor, Artigas discloses a similar system in which the user is allowed to delete previously recorded programming (Abstract; Par. 0006 & 0049). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the systems of Barton, Ellis, and

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Artigas in order to provide a system, which allows a user to control and customize a personal video and/or audio library (See Artigas paragraph 0005 and 0006).

Claims 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al. (US 20030095791A1) in view of Ellis et al. (US 20050028208A1) as applied to claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, 28, 30, 34, 37, 44-47, and 51 above, and further in view of Istvan (US 20020184635A1).

Regarding claim 49, Barton in view of Ellis does not disclose formatting the current program guide for display on a cell phone by formatting the current program guide as a menu driven configuration suitable for a cell phone.

Istvan discloses a system of setting events on a set-top box. Istvan discloses formatting a program guide for display on a cell phone by formatting the current program guide as a menu driven configuration suitable for a cell phone (See paragraph 0025). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Barton in view of Ellis to format the current program guide for display on a cell phone by formatting the current program guide as a menu driven configuration suitable for a cell phone, as taught by Istvan, in order to increase the capabilities of the system thereby providing improvements in remote accessibility of programming information by the use of various mobile devices (See Istvan paragraphs 0006 and 0025).

Claim 50 contains the limitations of claims 18 and 49 and is analyzed as previously discussed with respect to those claims.

Allowable Subject Matter

4. Claims 53-55 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 53-55, the prior art of record fails to show or fairly suggest sending instructions to a broadcast source that is connected to the client through a unidirectional connection inasmuch as the broadcast source only transmits programming information to the client without receiving data from the client, wherein the broadcast source transmits the instructions to the client system, and wherein the instructions cause the client system to open bi-directional connection with the network.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 52, the prior art of record fails to show or fairly suggest sending instructions to a broadcast source that is connected to the client through a unidirectional

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connection inasmuch as the broadcast source only transmits programming information to the client without receiving data from the client, wherein the broadcast source transmits the instructions to the client system, and wherein the instructions cause the client system to open bi-directional connection with the network.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-7, 9, 10, 12-16, 18, 28, 30, 34, 37, and 43-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Hesselink et al. (US006732158B1), Cameron et al. (US 20050028206A1), and Franco (US 20020046407A1) for their similar systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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September 28, 2006


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